

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DONOVAN OVERBY,)	
)	
Petitioner,)	
)	
v.)	No. 4:19-CV-2774 DDN
)	
MICHELE BUCKNER,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon its own motion. Kent Gipson, attorney of record for petitioner, has failed to sign petitioner's application for writ of habeas corpus in this action.

Under Federal Rule of Civil Procedure 11, every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name. The Court may strike an unsigned paper "unless the omission is promptly corrected after being called to the . . . party's attention." Similarly, the local rules of this Court also require that all filings be signed by the party or the party's attorney. E.D. Mo. L.R. 2.01(A)(1).

As a result, the Court will order the Clerk to return the petition to Mr. Gipson so that he may sign it and return it to the Court for filing. If Mr. Gipson fails to comply with this Order, petitioner's action may result in dismissal, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall return the petition to Mr. Gipson.

IT IS FURTHER ORDERED that Mr. Gipson shall sign the petition and return it to the Court within **thirty (30) days** of the date of this Order.

IT IS FURTHER ORDERED that if Mr. Gipson fails to comply with this Order, petitioner's application for writ of habeas corpus may be dismissed, without prejudice.

Dated this 23rd day of September, 2020.

A handwritten signature in black ink, reading "David D. Noce". The signature is written in a cursive style with a large, stylized "D" and "N".

DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE